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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,042	03/25/2002	Peter Brune	740-63	8011

7590 12/16/2004  
Lawrence A Maxham  
The Maxham Firm  
750 B Street Suite 3100  
San Diego, CA 92101

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/980,042

**Applicant(s)**

BRUNE ET AL.

**Examiner**

Joy K Contee

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/11/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5-7 and 8-11, respectively, are objected to because of the following informalities: claims 5-7 include "the A interface" and claims 8-11 include "the MAP interface". Neither, an "A interface" or a "MAP interface" is introduced in the claim language prior to the aforementioned claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Elliott al., (Elliott), U.S. Patent No. 5,867,495.

Regarding claim 1, Elliott discloses a method of controlling installations and/or processes in which parts of an existing mobile communication network are used, comprising

an exchange of information taking place between the information flows within the mobile communication network and a dedicated network, and information elements of the standardized signaling protocols of the mobile communication network, wherein the respective information elements are not relayed transparently at suitable interfaces in the mobile communication network, but instead are filtered out of the signaling by a filter method and are transferred to the dedicated network, wherein the information elements coming from the dedicated network are inserted into the signaling (col. 88, line 26 to col. 98, line 60).

Regarding claim 2, Elliott discloses the method according to claim 1, wherein the exchange of information takes place by inserting response signals in the form of information elements into the mobile communication signaling (col. 80, line 50 to col. 83, line 34).

Regarding claim 3, Elliott discloses the method according to claim 1, wherein the content of at least one of said information elements is defined by a terminal involved in the mobile communication (col. 80, line 50 to col. 83, line 34).

Regarding claim 4, Elliott discloses the method according to claim 2, wherein the content of at least one of said information elements is defined by a terminal involved in the mobile communication (col. 80, line 50 to col. 83, line 34).

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Regarding claims 5-7, Elliott discloses the method according to claims 1,2 and 3, respectively, wherein the A interface of a GSM or UMTS mobile communication network is used as the interface (col. 80, line 50 to col. 98, line 60).

Regarding claims 8-11, Elliott discloses the method according to claims 1,2,3 and 4, respectively, wherein the MAP interface of a GSM or UMTS mobile communication network is used as the interface (col. 80,line 50 to col. 98,line 60).

Regarding claims 12-16, Elliott discloses the method according to claims 1,2,3 and 4, respectively, wherein the information exchanged includes at least a subscriber identification (col. 80, line 50 to col. 83, line 34).

Regarding claims 17-22, Elliott discloses the method according to claims 1,2,3,4,5 and 6, respectively, wherein the information exchanged includes at least location identification (col. 37,lines 11-25).

Regarding claims 23-29, Elliott discloses the method according to claims 1,2,3,4,5,6 and 7, respectively, wherein the exchange of information takes place through a unit of the mobile communication network which has at least the function of a home location register and/or an authentication center (col. 133,line 25-30).

Regarding claim 30, Elliott discloses an arrangement for controlling installations and/or processes, comprising:

parts of an existing mobile communications network being used for the transmission of the respective data and arrangements are provided for the exchange of information between a dedicated network and elements of the mobile communication network which are participating in the information flow within the mobile communication

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network, with at least one coupling device being provided to permit an exchange of information between at least one location in the mobile communication network and a location in the dedicated network, wherein said coupling device has devices which can directly or indirectly select information elements from the information flow of the mobile communication network in a controlled manner that conforms to the protocol or it can directly or indirectly insert information elements into the information flow of the mobile communication network in a controlled manner or it can replace corresponding elements of the information flow the mobile communication network (col. 88, line 26 to col. 98, line 60).

Regarding claim 31, Elliott discloses the arrangement according to claim 30, wherein as a coupling point of the mobile communication network to the dedicated in the mobile communication network, a unit is provided which has at least the function of a home location register and/or an authentication center (col. 80, line 50 to col. 83, line 34)

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al. US. Patent No. 6501950, discloses a system and method for monitoring data signal on a communication network.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-

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0149. The examiner can normally be reached on M (alternating), T & Th, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

12/07/04

  
**JOY K. CONTEE**  
**PATENT EXAMINER**